

Message

From: Sacks, Victoria [Sacks.Victoria@epa.gov]
Sent: 2/9/2022 10:05:08 PM
To: Putnam, Lauren [Lauren.Putnam@arcadis.com]
CC: Singerman, Joel [Singerman.Joel@epa.gov]; Ludmer, Margo [ludmer.margo@epa.gov]; Luo, Jacky X (DEC) [Jacky.Luo@dec.ny.gov]; Jason Pelton [jason.pelton@dec.ny.gov]
Subject: LLC - Local Disposal Assessment
Attachments: NYS Landfill Containment System.pptx; 2016.12 Local Disposal Assessment RPT - Lower Ley Creek_Complete.pdf

Dear Ms. Putnam,

Pursuant to Section 3.4 of the Statement of Work for the Lower Ley Creek Operable Unit ("OU") Remedial Design Administrative Order on Consent, the respondents to the order ("Respondents") submitted to EPA a Local Disposal Assessment Report ("LDA Report") concerning the local disposal of certain soils and sediments excavated from the Lower Ley Creek OU. Specifically, the LDA Report was prepared to confirm the viability of local disposal of soils and sediments that are not otherwise regulated by TSCA and are not characteristic waste. Per the language of the LDA Report, one of the objectives of the assessment was "identifying, on a conceptual level, technical design and construction requirements for the identified most viable options and any other potentially viable option."

Section 1.4 (Permitting) of the LDA Report states that "construction of either disposal site would need to meet the substantive requirements of NYCRR Parts 360 and 373." We agree that such requirements apply. However, neither of the options presented in the LDA Report appear to meet all applicable substantive requirements under New York State law. We request that you review the State's requirements in detail before revising the LDA Report and resubmitting it for EPA's review. The NYSDEC website includes a schematic of a Part 363 (the portion of the Part 360 series of regulations that pertains to landfills) containment system: <https://www.dec.ny.gov/chemical/23719.html>. The details and specifications for the design, construction, and certification for each component of the Part 363 liner system and final cover system can be found in Subpart 363-6. Attached to this email is a NYSDEC PowerPoint presentation regarding Part 363 requirements.

Town of Salina Landfill

With regard to the Town of Salina Landfill, Section 2.1.1. of the LDA Report states, "[p]lacement of material within a vertical expansion at Parcel 2 will not require the construction of a baseliner liner system to facilitate leachate collection, as leachate is currently managed by the existing groundwater/leachate collection trench." The leachate collection system in place at the Salina Landfill is used to collect leachate from the existing refuse material. However, NYSDEC has informed EPA that, per the State's Part 360 requirements, if additional material was to be added to Parcel 2, it would need to be within a newly-constructed cell. This system must include two liners, as well as two leachate collection layers (in addition to other specifications). Please refer to the NYS requirements.

Cooper Crouse-Hinds (CCH) Landfill

Similarly, and as indicated in the LDA Report, a new cell at the CCH Landfill would need to be constructed above the existing CCH landfill that incorporates a baseliner system. The baseliner system described in the LDA Report, however, is not compliant with applicable State requirements. As stated above, any new baseliner system needs to contain a double liner and double leachate collection layers in addition to other specifications. Please refer to the NYS requirements.

Please note that modifications to the local disposal proposals in the LDA Report to conform with State requirements will likely also require adjustments to the landfill grading, gas venting, and stormwater management for these disposal options. Relevant sections of the LDA Report should be modified accordingly. In addition, please update any volume estimates in the LDA Report consistent with the latest figures generated during the PDI since the issuance of the ROD. The costs of each disposal option will also need to be updated. Once the Respondents have amended the local disposal

options in the LDA Report such that they are compliant with applicable NYS requirements, the LDA Report should be resubmitted for review and approval by EPA and NYSDEC.

We understand from the Preliminary (30%) Design Report that the Respondents are working toward a Local Disposal Agreement with one or more of the local disposal option operators. As previously communicated, EPA will expect any such Local Disposal Agreement to be included with the 60% Remedial Design Report.

Please feel free to reach out with any questions.

Sincerely,

Victoria Sacks

Victoria Paris Sacks

Remedial Project Manager

United States Environmental Protection Agency

290 Broadway 19th Floor, New York, NY 10007

sacks.victoria@epa.gov

(212) 637-4297

